UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS,	
Plaintiff,))
– against –) Case No.: 19-cv-01664-SJF/SIL
THE CITY OF NEW YORK, et al.,)
Defendants.) _)

DEFENDANT CHARLAMAGNE'S NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Declaration of Cynthia E. Neidl dated July 1, 2019, and Exhibit 1 attached thereto, and the Memorandum of Law dated July 1, 2019, with Exhibits 2-3 attached thereto, Defendant Lenard Larry McKelvey a/k/a Charlamagne tha God ("Defendant Charlamagne") will move this Court before the Honorable Sandra J. Feuerstein, United States District Judge, at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, at a date and time to be determined by the Court, to dismiss the Complaint in this action in its entirety pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Individual Rules, any opposing affidavits and answering memoranda of law must be served within fourteen (14) days of service of this motion. Reply papers, if any, must be served within seven (7) days of service of the opposition papers.

WHEREFORE, Defendant Charlamagne respectfully requests that the Court grant his Motion to Dismiss the Complaint in its entirety and with prejudice, together with such other and further relief as the Court deems just and proper.

By: /s/ Cynthia E. Neidl

Cynthia E. Neidl
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admission *pro hac vice* forthcoming)
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